

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of
Mobility Fund Phase I Auction

AU Docket No. 12-25

COMMENTS OF THE MINNESOTA DEPARTMENT OF COMMERCE

I. INTRODUCTION

The Minnesota Department of Commerce (MNDOC) is the state agency in Minnesota that advocates for the public interest on telecommunications matters affecting the residents of Minnesota.¹ The Minnesota Department of Commerce is also the state agency partner to Connect Minnesota, the designated entity for the National Telecommunications and Information Administration's (NTIA's) American Recovery and Reinvestment Act (ARRA) funded State Broadband Initiative (SBI). MNDOC submits these comments on census block eligibility pursuant to the Commission's Notice of Limited Extended Comment Deadlines, issued on February 16, 2012.

II. DISCUSSION

- A. Minnesota's Broadband Mapping History. The Broadband Data Improvement Act² (the BDIA) called for improving federal data regarding the deployment of broadband to assist in the development of broadband technology across all regions of the nation. In the BDIA, the Congress also directed the Federal Government to recognize and encourage complementary state efforts to improve the quality and usefulness of broadband data. The BDIA further recognizes at 47 USC §1304(e)(4) that the data collected by the states should meet the guidelines established by the FCC by having the states collect data that relies "on the data rate benchmarks for broadband service utilized by the Commission to reflect different speed tiers, to promote greater consistency of data among the states."

The SBI implements the joint purposes of the ARRA and the Broadband Data Improvement Act. One product of the SBI is the creation and twice annual update of information on the availability, speed and location of broadband services, including broadband delivered by mobile wireless. Under the SBI program, Connect Minnesota has submitted to the NTIA four iterations of broadband mapping data for the state of Minnesota and will file a fifth update by April 1, 2012. Prior to the implementation of the BDIA and the SBI, the State of Minnesota had recognized the importance of mapping the available broadband within the state and contracted with Connect Minnesota to undertake that process using state funds. The first map of the availability of

¹ Minn. Stat. §216A.07 and §237.02.

² 47 USC §1301, et. seq.

broadband, including mobile wireless broadband, in Minnesota was created in February 2009 and made available online in an interactive format in June 2009.

- B. Minnesota Has Three Years of Broadband Mapping Data. In its Report and Order and Further Notice of Proposed Rulemaking issued on November 18, 2011, the FCC concluded that American Roamer data is the best available choice at this time for determining wireless service at the census-block level. With regard to commenters requesting that the FCC use the data provided for the National Broadband Map, the FCC noted that inconsistencies with respect to wireless services have been noted in the initial phase of data gathering for the National Broadband Map and that, while those discrepancies should be resolved as the project continues, the FCC could not conclude that the National Broadband Map data is an appropriate source of data in time for the Mobility Fund Phase I auction.

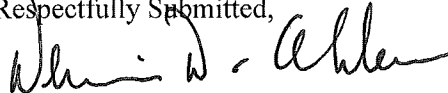
The Minnesota Department of Commerce respects the FCC's conclusions with regard to the overall data compiled for the creation of the National Broadband Map. However, MNDOC would emphasize that the data compiled by Connect Minnesota for the State of Minnesota is not in an initial phase of data gathering and instead has been gathered for three years and is currently in process to have its sixth iteration submitted within a month.

Given the care and scrutiny with which the broadband mapping data has been collected in Minnesota, and the close alignment that this data collection effort has with the intended purposes of the BDIA, the SBI and the Phase I Mobility Auction, the MNDOC believes that use of the Connect Minnesota mapping data would be a more reliable choice than the American Roamer data for identifying unserved census blocks in Minnesota. Based on the Connect Minnesota data, the attached list of census blocks should be considered unserved and eligible for Mobility Fund Phase I funding under Auction 901.

III. CONCLUSION

The goal of the Phase I Mobility Fund Auction is to identify those census blocks that do not have access to wireless or mobile broadband at current generation mobile service levels and, through a reverse auction, provide one-time support to address these mobility gaps. Key to targeting the support to where it is most needed is the ability to rely on the best data available. For the State of Minnesota, the MNDOC would argue that the attached list of census blocks identified by Connect Minnesota as unserved under the SBI program is the most accurate data available for Minnesota.

Respectfully Submitted,



MINNESOTA DEPARTMENT OF COMMERCE

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